

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING January 9, 2017 6:00 p.m.

- ◆ Introduction of Officer Joel Schuler
- ◆ Introduction of Students of the Year Award Montgomery Crime Stoppers Association, Skyler Coleman and Jacen Millette

**CALL TO ORDER**

Mayor Stone called the meeting to order followed by roll call.

PRESENT: Council Member Jarvis, Council Member Litteral, Council Member Upton, Council Member Wallace, Council Member Whilding, Vice Mayor Vann, Mayor Stone

ABSENT: None

TARDY: None

ALSO IN ATTENDANCE: Jill Bissinger, Human Resources; Randy Burkett, City Planner; Theresa Hathaway, Fiscal Officer; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Pete Landrum, City Manager; Jeff McGrath, Planning & Zoning Director; Steve McHugh, Legal Counsel; Jeff Moorman, City Engineer; Mike Thonnerieux, Public Administrative Services Director

**PLEDGE**

Mayor Stone led the pledge and a moment of silence.

**APPROVAL OF AGENDA**

Council Member Upton MOVED to approve the agenda, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

**APPROVAL OF MINUTES**

Council Member Litteral MOVED to approve the minutes of the December 12, 2016 Regular Meeting, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

**PUBLIC HEARING – PC 16-5, ASRA DETAILED SITE PLAN, HarborChase of Beavercreek**

Clerk Lampton read an application filed by CD-HRA (Beavercreek) LLC, 2240 Blake Street, Ste. 200, Denver, Colorado 80205. The applicant requests an Administrative Site Plan Review and Approval (ASRA) to allow for the construction of an assisted living/memory care facility on approximately seven acres. The property is located on the south side of Indian Ripple Road approximately 600 feet

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east of the intersection of Sylvania Drive and Indian Ripple Road. The properties are further described as Book 3, Page 10, Parcels 177 and 178 on the Greene County Property Tax Atlas.

#### Application Presentation

Charlie Jennings, 1440 Highway A1A, Vero Beach, FL

Mr. Jennings reviewed the mission of Harbor Retirement Associates and the services the company offers.

Andrew Alden, Eppstein Uhen Architects, 333 E. Chicago Street, Milwaukee, WI  
Mr. Alden reviewed the site plan including the setbacks and design.

#### Staff Presentation

Mr. Burkett summarized the staff report dated January 3, 2017 which stated the applicant is requesting approval of a detailed site plan to allow for the construction of a 125,300 square foot assisted living/memory care facility on approximately seven acres. He reviewed the location and the conditional use of an assisted living facility within an R-1A district which was approved by the Planning Commission. He reviewed the surrounding properties' zoning districts, the site plan and the access points, parking, the architectural renderings and the landscaping plan and ground signage. He said prior to construction there is a condition to place an orange fence to delineate the end of the grading limit to prevent removal of vegetation to the south. Staff and Planning Commission recommended approval of the applicant's request with 19 conditions.

#### Public Input

Teresa Sturgill, 4202 Indian Ripple Rd., Beaver Creek, Ohio

Ms. Sturgill said she was against the nursing home because of the wetlands. She said she had contacted the EPA and spoke to Suzanne, contacted the Ohio Department of Natural Resource Soil and Water Conservation and as of December 22<sup>nd</sup> no one had contacted them regarding the wetlands. She said these wetlands are active as per the EPA and the Ohio Department of Natural Resource Soil and Water Conservation. She said when she spoke with some of the seniors at the Senior Center that have lived here better than 65 years in Beaver Creek and informed her the wetlands are more towards the center of the lot than where they are being diagrammed. Her concern was where the actual lines of the wetlands were and the need to take care of what we have left. She did not see a problem with the assisted living home but it is not in compliance with respect to the active wetlands; it is a major problem. She remembers growing up on Indian Ripple Road when it was a two lane road and the next door neighbor's dog would sleep in the middle of the road. She said that is no longer but what worries her is she contacted five nursing homes and asked them if they could promise that her mother would

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be safe if she would get out. She said they all have certain steps but they could not promise that. She said Indian Ripple is a very busy highway and has worries if one of them gets out and travels to the Greene.

Betsy Krug, 4172 Chalfonte Drive, Beavercreek, Ohio

Ms. Krug said her concern was privacy. She said her home is behind the wetlands and the back of her house is all glass.

John Donahue, 4202 Indian Ripple Road, Beavercreek, Ohio

Mr. Donahue questioned the evacuation plan for the facility.

The public hearing was closed.

Mayor Stone asked Mr. Burkett to address the public input questions. Mr. Burkett said from the back of the grading point to the property line was approximately 150 feet. He couldn't answer if it would be completely opaque due to the type of trees. Mr. Burkett said the building was designed around the wetlands. He said the final grading permit will show where the wetlands are and not to be touched. He said this is an Ohio EPA regulation.

Mr. Alden said the evacuation plan is designed to defend in place. He said it has smoke and fire barriers. In the event of a fire residents will be moved to another part of the building.

Mr. Jennings explained they are licensed by the state which has strict requirements for evacuation for emergency management. They would be required to adhere to all of those.

Mr. Ralph Terbrueggen, Mannik Smith Group, 10200 Alliance Rd, Cincinnati, Ohio  
Mr. Terbrueggen said as a minimum they were leaving 150 feet of existing property in the back including the woods. He said the area they are disturbing was primarily honeysuckle and low brush.

Vice Mayor Vann asked how they determine where the wetlands are. Mr. Terbrueggen said his company did a surface water delineation of the site. Based on those findings is where the wetlands are shown on the plans.

#### Council Input

Council Member Wallace explained to the citizens when property is bought the City has the right to find out the zoning information and because it is an ASRA Council has much more control over the plans. She understood their fear of having the sight blocked but she advised the residents to buy the land if it is wish to keep the

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view. She said the City cannot stop somebody from purchasing property and developing it as long as it is permitted within the zoning codes. She appreciated the additional ADA parking spaces but would like to see seven or eight spots, five was too low. She asked staff and the developer to look into that.

Council Member Whilding said there should be a trigger point where the wetlands will be looked at between the EPA and Core of Engineers before any grading would occur. He said there will be protection of the wetlands. He asked what the enticement was to ask the developer to connect to the adjacent property if it should be developed. Mr. McGrath said it would be beneficial to the neighbor to the west. It provides a cross access easement that would allow the developer of the property to the west to come in and make the improvements to the connection and benefit their site to the traffic light. He said the access would be on the east to the Vineyard property, the Vineyard was the actual owner of the property and there are provisions that they mandated including cross access easements.

Council Member Jarvis requested to make sure the wetlands are where they think they are. He asked what is going to be done to ensure that runoff does not occur into the wetlands. Mr. Terbruggen had a national wetlands inventory map that got them started and delineated the wetlands based on the map. He said this is what the state would have looked at. He said they would be containing the water in the parking lot and directing it to the storm water retention in the front near Indian Ripple Road.

Vice Mayor Vann questioned the location of sidewalks. Mr. Alden reviewed the locations on the site drawing.

Mayor Stone said the use for the property is as low impact as you could get. He said there is always going to be an impact to neighborhoods but the question is how it can be softened as much as possible. He said he would like to see a marker on the property at 150 feet so the people behind can see the exact distance. He said if there is visibility he suggested to add evergreens at the fence line.

Council Member Jarvis said the newer facilities has technology that help keep people inside and not wonder from the facility.

Council Member Whilding asked if there was a sidepath along Indian Ripple Road. Mr. Smith said there was already sidewalks and sidepaths along Indian Ripple Road.

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Vice Mayor Vann MOVED, for the purpose of taking administrative action, approval of a Detailed Site Plan for HarborChase of Beavercreek, PC 16-5, on the basis that City Council finds the facts submitted with the application and accompanying materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for an ASRA Detailed Site Plan approval as per §158.083 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. I further move that this motion with all conditions be fully recorded in the minutes of this Council meeting.”

1. The approved site plans for this development shall be the plans stamped “Received November 22, 2016”, except as modified herein.
2. The approved architectural elevations for this development shall be the plans stamped “Received November 11, 2016”, except as modified herein.
3. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required Development Agreement and the release of any zoning permit for this project. The Development Agreement must be signed by the owner and a bond or letter of credit for the required site landscaping must be submitted prior to the release of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City’s landscaping and screening regulations.
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted, within three months, weather permitting.
5. The ground sign, which shall include a minimum 1-foot tall, brick and/or stone base, shall be a maximum of 6 feet tall and have a sign face of up to 25 square feet. The final design and location shall be subject to review and approval by the Planning Department prior to release of a permit for the sign.
6. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. No pole shall be located in the paved area of the parking field and all fixtures shall be full cutoff fixtures. All light fixtures and related illumination of the site must meet the conditions

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outlined in the Zoning Code.

7. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any dumpster enclosure shall be constructed of materials architecturally compatible with the building and have a closable, lockable gate. The final design of the dumpster enclosure shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of any zoning permits.
8. The building exteriors shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning Department or, if required, by the City Council and/or Planning Commission.
9. No portion of the building may be occupied for the first time or reoccupied later until and unless an application for a Certificate of Use Compliance has been submitted to the City by the property owner or by the prospective occupant. No such occupancy may occur until the Certificate of Use Compliance has been approved and issued by the City.
10. All gutters and downspouts shall be painted to match the color of the surrounding building material.
11. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls). Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
12. All service doors and man-doors shall be painted to match the surrounding materials of the building.
13. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.
14. Exterior construction hours shall be limited to 7:00 am to 7:00 pm, Monday thru Friday, and 9:00 am to 7:00 pm on Saturday.
15. Final drainage calculations shall be approved by the City Engineer prior

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to the release of any zoning permits for this project.

16. All concerns of the City Engineer, Fire Department, Sanitary Engineer, Planning Department and the Beavercreek Police Department shall be addressed prior to the issuance of any zoning permits for the project.
17. A Final Subdivision shall be approved by the Planning Commission and all necessary bonds and fees shall be paid prior to the release of a zoning permit for any building in this development. The final subdivision shall show a cross access easement and construction easement to the western property, as generally depicted in Exhibit A.
18. Any portion of the site disturbed by grading, and on which no construction occurs within three months after completion of the site grading, shall be planted with appropriate ground cover free of noxious weeds and construction debris and shall be properly maintained. Prior to any grading of the site, the applicant shall install orange fencing establishing the extent of the grading area in order to protect the wooded and wetland areas to the south, as generally depicted in Exhibit B.
19. Prior to the release of a zoning permit for this project, the applicant shall be required to submit a street sweeping bond for the purpose, but not sole purpose, of ensuring that Indian Ripple Road is kept free of dirt, mud and construction debris. This bond shall be refundable upon completion of the project.

Seconded by Council Member Wallace. Motion PASSED by majority voice vote.

**PUBLIC HEARING – PC 16-6, ASRA DETAILED SITE PLAN, Raising Cane's Chicken Fingers**

Clerk Lampton read an application filed by Amanda Zook, 1062 Ridge Street, Columbus, OH 43215. The applicant requests an Administrative Site Plan Review and Approval (ASRA) for 1.0 acre of land to construct a new 3,576 square foot restaurant. The property is located on the east side of North Fairfield Road approximately 175 feet south of the intersection of North Fairfield and Kemp Roads. The property is further described as part of Book 4, Page 8, part of Parcel 186 on the Greene County Property Tax Atlas.

**Application Presentation**

Amanda Zook, 1062 Ridge Street, Columbus Ohio

Ms. Zook explained Raising Cane's was a quick service location. She said they have active community involvement and give on average 4% straight back to the

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community. She said they will hire approximately 45-65 jobs. During the honeymoon phase they will hire safety traffic officers to maintain pedestrian and traffic safety at all times.

#### Staff Presentation

Mr. McGrath summarized the staff report dated January 3, 2017 which stated the applicant is requesting administrative site plan review and approval for a 3,576 square foot restaurant to be located just south of the Speedway station at the intersection of North Fairfield Road and Kemp Road. He discussed the location of the lot, the land use and building design. He explained staff requested an awning be placed above one of the windows facing North Fairfield Road which was not visible on the drawing. He reviewed the access to the location from Kemp and North Fairfield Roads through an access road. He said their drive through would be similar to Chick-Fil-A with angle parking around the building. He discussed the landscaping, signage, lighting and storm water detention. Staff and Planning Commission recommended approval of the applicant's request with 18 conditions. Mr. McGrath added that Council could add condition 19 to include the additional awning to ensure it being incorporated on the final design.

#### Public Input

Lawrence Coffman, 2179 Prudence Drive, Beavercreek, Ohio

Mr. Coffman questioned the distance from the property line and requested it be 30 feet. He said it is not that far from the back of his fence and he would like to see a vinyl fence instead of a mound. He was concerned for the traffic crossing Kemp Road into the access road. He also wanted to see how the access road would be going across the entire property. He expressed concern of an artesian well on the back of the property behind approximately where the restaurant would be built.

Jim Lucente, 2169 Prudence Drive, Beavercreek, Ohio

Mr. Lucente was concerned with the noise that would be created especially in the drive-thru in the early morning hours. He wanted to know when the dumpsters would be emptied and what type of landscaping and lighting would be put in place. He said the trees at Speedway are not doing any good. He said it would 20 years for them to block any of the view. The access road is going to create traffic problems. He said once you put in one fast food place and it does well, there will be others. He bought his property seventeen years ago knowing that eventually something would be built there. He was hoping it would be something more appealing than fast food restaurants and gas stations. He said this is going to create growth, more fast food restaurants, create traffic problems with the access road. He said instead of a more fast food restaurants, the City could use a good city income tax.



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Mike Abel, 2092 Avon Drive, Beavercreek, Ohio

Mr. Abel said he had emailed Council with questions and was happy to have gotten responses. He had emailed three questions. He had asked if the city had carefully considered the visual noise and light impacts of PC 16-6 to the surrounding residential area and implanted action to minimize this impact. He said the other two questions dealt with traffic and road improvements and maintenance. He said with regards to a buffer, he thought there was lack of a plan on how to handle a buffer between the new development and community along Prudence, Felton and Avon Drives. PC 16-6 is much more than 1.16 acre development. He said you have the access road and the need to talk about future development. He thought it would be a lot of traffic and other things going on. He said it was important that City Council act now to protect the homeowners as disjointed, incomplete planning could result in unnecessary costs to everybody. He didn't feel there was enough planning at this point and in all fairness, the buffer they have between the commercial and residential should look a lot like what was done for Elcid Road on the northeast corner of Fairfield and Kemp. He said that buffer according to Google Maps is 300 feet wide. He said something has to been done like there was for Elcid. He said the developer has said, at times, there is going to be lots and lots of traffic. There is going to be a lot of noise and lights and developer needs to be asked to minimize the impact.

Steven (Xue) Yao, 2117 Avon Drive, Beavercreek, Ohio

Mr. Yao said we are seniors and not sure how much citizens can make an impact on your final decision. He said he did not see much of his labor but the reason was because they were all old, senior citizens. He said the prices of the houses are low to middle and suitable for senior citizens. He said sometimes people on his street forget to close their garage doors. He said at the corner of North Fairfield Road and Kemp Road he has seen tons of traffic because he has lived there for 19 years. He has seen a fatal accident at this corner. He said as a senior citizen were need a quiet neighborhood and not so much busy traffic and businesses.

The public hearing was closed.

Mayor Stone explained this was a piece of property that was zoned business before the city existed and the zoning still exists. He said this is a straight B-2 zoning which is totally difference than the prior case.

Mr. McGrath explained there is a six foot earthen mound that was constructed along those properties prior to Speedway being built. He said the property sits about 300 feet off the property line to the east and even farther as you move down to the south. He said a lot of the concerns brought up are to be determined as the process develops. He explained what they recommend in terms of how to move

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forward since the PUD on the southern part of the property is the old township PUD and no longer applicable to the times and needs of the community. He said it was suggested the property be rezoned to a Planned Unit Development at which time they would set the necessary buffers, screening requirements, setback requirements and a concept plan. He said they are not at that point yet. He said they fully recognize the 1.16 acres is a small portion of a bigger development. He said this will have to go through the whole legislative process with a rezoning in order to make it fit into the rules and regulations in place currently. He said the current B2 zoning does allow the current site move forward. The remainder of the property they anticipate going through the Planned Unit Development process.

He said they would establish a maximum of a 16 foot light pool fixture all within landscaped areas and nothing within the paved parking lot, full cut-off fixtures, zero photometrics at the foot-candle readings at the property line so they couldn't spell out. He said the light pollution would be 0.0 along the property lines. He said there is landscaping in place to screen headlights. He said ultimately, all this would be shielded by what moves in to the west and south.

Mr. McGrath said traffic improvements were being worked out with the engineer. He said they were meeting with the owner of the property later in the week to review the specifics with the city engineer and the applicant's engineers. He said at this time they know there will be road improvements on Kemp to accommodate left and right turn movements. He said there will also be improvements to North Fairfield Road and the access drive will be constructed to a standard that is required by our engineering department with curb, sidewalks and gutters and it will be bonded. He explained Kemp and North Fairfield Roads are major arterials roads designed for development of businesses along that corridor. He said the majority of the thoroughfare traffic will be on the major arterials with access throughout the site to connect Kemp and North Fairfield to get to the businesses that maybe potentially located in this area.

He said they could look into some fencing for screening requirements as they move forward through the PUD process. He explained at this time they cannot require this on this application because it is 300 feet away and meet the setback requirements established currently.

Michael Lofino, 1113 Grove Hill Drive, Beavercreek, Ohio

Mr. Lofino said it's difficult to project what the future plans would be. He said there is a lot of challenges that face bricks and mortar retailing. He said the one key to having a quality development is bringing in someone like Raising Cane's who is a great tenant. He has had several prospective users that have approached him that would have more impact to the neighborhood. He said this was the first one that

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he felt was a quality tenant that would kick this development off. He said the access road alignment on the Kemp Road side is to match up with the Fairfield Place development that was established in PUD 97-1. On the main entrance side it is to match up with the Greene Memorial property across the street. He said they are just connecting the dots. He said with regards to the drainage in the back of the property, he reached out to the residents after the Planning Commission meeting and plan to meet with the residents in that area to review the issue of the artesian well and if the mounding has caused any issues with drainage in that area. He said he would not establish any type of mounding that would cause any problems with the adjacent neighborhood. He said drainage and storm water management issues are better than before you started in a new development. He intends that to be the case in this situation.

Ms. Zook reviewed the lighting that was included with Council's packet showing the zero foot-candles per code. The operating hours are from 10:30 a.m. and close at 11:00 p.m. Sunday through Thursday and midnight Friday and Saturday. She said they set themselves apart on landscaping. They put a lot of money not only on maintenance but upfront costs on landscaping. Any of the establishments show the care and maintenance that is put into their landscaping. She said it is their first impact for any customer that comes onto the property. It is eyes to the customer whether you are driving or walking. The contractors do not sub out the landscaping and they review every plant material themselves. She said landscaping and cleaning are the two things they spend the most money on in the budget. They hire a cleaning crew to power wash the lot and building, pick up any debris and clean the inside of the building as well. This is done on a quarterly or bi-annual basis depending on the volume of the location. All operators before and after a shift have to walk the lot to pick up any trash.

#### Council Input

Council Member Whilding asked where the drive-thru speaker was located. Ms. Zook explained the speaker board was located facing the back of Speedway. Council Member Whilding questioned the location of the access road across from Greene Memorial. Mr. McGrath explained their land comes out to Fairfield for access. They had this in their overall concept plan where they have a lot more developable property that has not been utilized at this time but if they would this would be the access point established on their zoning and PUD concept plan. Council Member Whilding said when we talk about roads being built with curbs and storm sewers, at what point will we reach that? He said there have been a lot of maintenance problems in the area with roads that weren't quite finished because the plat was not developed. He asked where they stood with the road standards at the point and time when this will be built. Mr. McGrath answered at this time it will be constructed with a gravel base, a coat of asphalt, curb, gutter and sidewalk.

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He said the final coat of asphalt would be put on as the development finishes because of the construction vehicles going in and out. He suggested adding a condition to patch any potholes for the duration the road is without the final asphalt coat. It would be a continual maintenance issue on their part to ensure the base is intact and the potholes are filled. Mr. McGrath explained the base of the access would be constructed to hold delivery trucks or semi-trucks but not as wide of a right-of-way and not as strictly mandated in terms of type of base that is utilized on the subgrade. Council Member Whilding said if we are going to have curbs and gutters on this entire access road, it seems like a finished grade would protect all that anyway. He was looking at recommending a finished grade at the access point so we don't have problems like we've had in other developments. If the base is made for construction vehicles and all those things are in place then finishing the grade and allowing construction vehicles to drive over it shouldn't be a detriment. He said it may be messy and need cleaning but did not think it would be a detriment. Council Member Whilding asked what assurance there was that the mound at six feet will block headlights from neighbors' backyards. Mr. McGrath explained 24 inches is required to shield headlights.

Council Member Wallace recommend adding a condition to add two additional handicapped parking spaces for a total of four.

Council Member Upton was concerned about the light on the sign on the back of the building. Mr. McGrath said they could look into a goose neck light fixture that does not shine on the building. Council Member Upton asked Mr. McGrath to point out where the detention pond was located. He asked if the City would be responsible for salting the access road. Mr. McGrath replied no.

Council Member Litteral asked what could be expected with regards to the road improvements in this area. Mr. McGrath explained there would be a right hand deceleration lane for the access drive, a left turn lane on Kemp and they will look at the need for a right hand deceleration lane from Kemp to the access road. Council Member Litteral questioned the width to handle semi-trucks. Mr. McGrath said it would be at least 36 feet wide. Council Member Litteral questioned if there would be a liquor license. Ms. Zook replied no. Council Member Litteral questioned the need for officers on the property during the honeymoon phase. Ms. Zook explained it was for traffic control only.

Vice Mayor Vann questioned when the PUD would come before Council for consideration. Mr. McGrath said they may move forward with a speculative PUD so the uses will not be known, it would be a wide range of uses and established setbacks. He said they are working with the Lofino family currently. Vice Mayor Vann said most of the neighbors' concerns would be resolved with the PUD. Vice

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Mayor Vann asked Ms. Zook to review the landscaping plan. Vice Mayor Vann questioned if there should be street light at the access points for safety. Mr. McGrath said they could do that.

Mayor Stone said the access road off of Kemp would be the critical spot for temporary headlight screening as cars are traveling to the east.

Council Member Wallace MOVED to add condition 19 to add an awning above the three windows on the west elevation, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Council Member Wallace MOVED to add condition 20 to add two additional handicapped parking spots, seconded by Council Member Jarvis.

Vice Mayor Vann asked to review the parking data. Mr. McGrath said the applicant was required to have 46 parking spaces and they have 47. He explained with angled parking they may lose three to four parking spots to add two additional handicapped spaces.

Council Member Wallace suggested adding one more handicapped space. She asked to be shown the location of the current handicapped spaces. Mr. McGrath reviewed the drawing with the handicapped walkway and handicapped spaces. He said if they added one more handicapped parking space it would take away two parking spaces, if you added two it would take away three parking spaces because of the required width.

Council Member Wallace withdraw her motion.

Vice Mayor Vann MOVED to add condition 20 requiring the lighting on the rear sign be decorative indirect lighting, seconded by Council Member Litteral. Motion PASSED by majority voice vote. (Against – Upton)

Council Member Wallace questioned the awning above the drive-thru window. Ms. Zook believed it would cover the car to prevent inclement weather.

Council Member Whilding MOVED to add condition 21 to require access points at Kemp Road and Fairfield Road have the final course of asphalt be full grade the first 100 feet, seconded by Council Member Litteral (Against – Jarvis, Wallace)

Motion

Council Member Upton MOVED, for the purpose of taking administrative action, approval of a Detailed Site Plan for Raising Cane's Chicken Fingers, PC 16-6, on

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the basis that City Council finds the facts submitted with the application and accompanying materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for an ASRA Detailed Site Plan approval as per §158.083 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. I further move that this motion with all conditions be fully recorded in the minutes of this Council meeting.

1. The approved site plans for this development shall be the plans stamped "Received November 30, 2016", except as modified herein.
2. The approved architectural elevations for this development shall be the plans stamped "Received November 30, 2016", except as modified herein.
3. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required Development Agreement and the release of any zoning permit for this project. The Development Agreement must be signed by the owner and a bond or letter of credit for the required site landscaping must be submitted prior to the release of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted, within three months, weather permitting.
5. Signage shall be permitted on the north, south, west and east elevations and shall be limited to one sign, not to exceed 40 square feet, per elevation. The mural shall be additionally permitted on the west elevation and shall be limited to 84 square feet and must be removed if Raising Cane's vacates the building. The ground sign shall be limited to 30 square feet per sign face and 6.2 feet in height.
6. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. No pole shall be located in the paved area of the parking field and all fixtures shall be full cutoff fixtures. Maximum mounting height for any parking lot light fixture shall be 16 feet.

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7. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any dumpster enclosure shall be constructed of materials architecturally compatible with the building and have a closable, lockable gate. The final design of the dumpster enclosure shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of any zoning permits.
8. The building exteriors shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning Department or, if required, by the City Council and/or Planning Commission.
9. Any proposed gutters and downspouts shall be internally mounted.
10. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls). Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
11. All service doors and man-doors shall be painted to match the surrounding materials of the building.
12. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.
13. Final drainage calculations shall be approved by the City Engineer prior to the release of any zoning permits for this project.
14. All concerns of the City Engineer, Fire Department, Sanitary Engineer, Planning Department and the Beavercreek Police Department shall be addressed prior to the issuance of any zoning permits for the project.
15. A Final Subdivision shall be approved by the Planning Commission and all necessary bonds and fees shall be paid prior to the release of a zoning permit for any building in this development.
16. Impact fees must be paid for the project as directed by the City Manager and the City Engineer.

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17. The design and location of the access road shall be reviewed and approved by the City Engineer and must be bonded prior to the release of any zoning permits for the Raising Cane's restaurant.
18. Construction drawings showing left turn lanes into the site at North Fairfield Road and Kemp Road will be required to be approved and bonded by the Engineering Department prior to the release of a record plan.
19. There shall be an awning installed above the three windows on the west elevation
20. Lighting on rear sign shall be decorative indirect lighting
21. Access points at Kemp Road and Fairfield Road shall have the final course of asphalt be full grade the first 100 feet.

Seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

Council recessed for ten minutes.

#### **ORDINANCES, RESOLUTIONS AND PUDS**

##### **Ordinance 16-34 PUP 06-3 AMENDMENT 06-3 First & Main (Third Reading)**

Clerk Lampton read an Ordinance amending Ordinances #06-25 and #10-16 rezoning and concept plan (PUD 06-3) to modify the permitted use to include "assisted living facilities, independent living facilities, memory care facilities, adult day care and/or retirement communities: for the PUD portion south of Park Overlook Drive. This property is further described as Book 1, Page 11, Parcel 67 on the Greene County Property Tax Atlas. (PUD 06-3, Amendment 9/16)

Council Member Wallace MOVED to approve Ordinance 16-34, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

##### **Resolution 17-01 Authorizing Finance Director to Request the Auditor of Greene County for Advance of Real Estate and Public Utility Taxes**

Clerk Lampton read a Resolution authorizing the City Manager or his designee the Financial Administrative Services Director to request advance draws upon the amounts collected by the Greene County Auditor for the City of Beavercreek 2016 real estate and personal property taxes collect during the calendar year 2017.

Mr. Kucera explained this was an annual Resolution to request the city's money in advance of the two semi-annual draws that the County Auditor sends. He said by



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passing this Resolution the city will get the money about six weeks earlier than the regular distribution date. He said per the Ohio Revised Code the County is required to do the advances with the passage of this Resolution.

Council Member Upton asked how much interest was earned last year. Mr. Kucera estimated \$4,000.

Council Member Upton MOVED to approve Resolution 17-01, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

**Resolution 17-02 Mutual Aid Agreement with Political Subdivisions – Montgomery County**

Clerk Lampton read a Resolution by the Beavercreek City Council authorizing the City Manager to sign an updated Mutual Aid Agreement with numerous police forces in Montgomery County for the provision of police protection.

Chief Evers said the agreement was updating an existing agreement which also expands the scope of the mutual aid to include the Greene County Sheriff.

Council Member Jarvis asked as part of the CALEA accreditation if it was required those we team with are also CALEA accredited. Chief Evers replied it was not a requirement but one of the reasons this was being updated was because of CALEA requirements. He said there were over 70 agencies involved with this mutual aid agreement and six counties.

Council Member Jarvis said section ten states this is to be effective July 1, 2016 and suggested it needed to be updated to February 1, 2017. Mr. McHugh said there was discussion among many of the lawyers and the agreement was that date not be changed. Council Member Jarvis said the agreement adds Greene County but section 11 says it should be filed with the Montgomery County Prosecutor's Office. Mr. McHugh said they have really driven this process and came from them. He explained this was created in Montgomery County for the six counties and he was the one who added the Greene County Sheriff because it talked in terms of mass arrests. If all these agencies are going to help Montgomery County they should also have an agreement to help Greene County. He said this is the agreement everyone would be adopting. Chief Evers said Montgomery County has just been the central depository and coordinator of this document of all the agencies and counties involved. Council Member Jarvis asked if there were any issues perceived with other jurisdictions not being MARCS radio compliant. Chief Evers said Montgomery County and all of the agencies in that county had converted to MARCS radios.

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Council Member Litteral MOVED to approve Resolution 17-02, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

**CITY MANAGER'S REPORT**

Mr. Landrum said there will be many road improvements to be completed for 2017. Look to the website and Facebook for updates. In observance of Martin Luther King, Jr. Day, City Hall and Lofino Senior Center will be closed. For non-emergencies, please contact the Beavercreek Police Department at (937) 426-1225.

**MAYOR'S REPORT**

Mayor Stone reminded the due date for the Boards and Commission application was January 27, 2017.

**COUNCIL TIME**

Council Member Upton welcomed the new City Manager.

Council Member Wallace said the Beavercreek VFW was having a Patriot's Pen celebration Tuesday evening to announce students who won the essay contest.

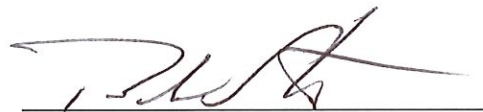
Council Member Jarvis said today was Law Enforcement Appreciation Day. He thanked the Chief and the entire Police Department for everything they do.

**CITIZEN COMMENTS**

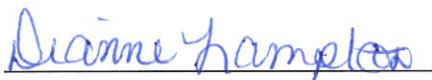
There being no citizen comments, citizen comments was closed.

**ADJOURNMENT**

Council Member Litteral MOVED to adjourn the meeting at 8:31 p.m., seconded by Council Member Whilding. Motion PASSED by majority voice vote.

  
Bob Stone, Mayor

ATTEST:



BEAVERCREEK CITY COUNCIL

REGULAR

January 9, 2017

Dianne Lampton  
Clerk of Council  
Cmin010916

